

**Chapter 61-17 – Utility Construction Policy:**

**Add:**

- D. The Town of Fenwick Island, in accordance with its long-term plan, desires that all utility lines be underground. Until that goal is attained, all new utility poles will be located on the same side of the street as the majority of the existing poles at the end of the street rights-of-way and lot property lines.
- E. Any utility work to add or relocate permanent utility service lines shall be accomplished by underground placement of the services from the pole to house or building area.
- F. Utility service to any new Residential or Commercial construction shall be underground from the pole to the house at the expense of the property owner or contractor building the house.
- G. Replacement of existing services to an existing house or structure shall be underground at the expense of the property owners when the replacement or new service costs exceed fifty percent of the value of the house.
- H. Open cuts in roadways shall not be permitted. Exceptions will be made in cases when there is no alternative as determined by the Town on a case-by-case basis.
- I. In cases where construction must use private property for the boring set-up, the contractor shall be fully responsible for notification of the affected property owners and to obtain permission, including easements, if necessary.
- J. The permittee shall be responsible for restoring the rights-of-way, including the pavement surface, subsurface and drainage facilities to its original condition upon completion of work.
- K. Disturbance of existing drainage shall not be permitted. Exceptions will be made only in cases where there is no alternative as determined by the Town on a case-by-case basis.
- L. Appeals to the interpretation of this chapter will be made to the Town Council. The decision of the Town Council shall be final.

**Proposed Second Reading: January 23, 2009 (as amended):**

**Add:**

- D. The Town of Fenwick Island, in accordance with its long-term plan, desires that all utility lines be underground. Until that goal is attained, all new utility poles will be located on the same side of the street as the majority of the existing poles at the end of the street rights-of-way and lot property lines.
- E. Any utility work to add or relocate permanent utility service lines shall be accomplished by underground placement of the services from the pole to house or building.
- F. Utility service to any new Residential or Commercial construction shall be underground from the pole to the house at the expense of the property owner or contractor building the house or commercial structure.
- G. Replacement of existing services to an existing house, structure or commercial building shall be underground at the expense of the property owners when the replacement or new service costs exceed fifty percent of the value of the house, structure or commercial building.
- H. Open cuts in roadways shall not be permitted. In the event no other options exist, road cuts or overhead connections in lieu of road cuts may be considered. Such exceptions, when there is no other alternative, will be determined by the Town Manager and Public Works Supervisor on a case-by-case basis.
- I. In cases where construction must use private property for the boring set-up, the contractor shall be fully responsible for notification of the affected property owners and to obtain permission, including easements, if necessary.
- J. The permittee shall be responsible for restoring the rights-of-way, including the pavement surface, subsurface and drainage facilities to its original condition upon completion of work.
- K. Disturbance of existing drainage shall not be permitted. Exceptions will be made only in cases where there is no alternative as determined by the Town Manager and Public Works Supervisor on a case-by-case basis.
- L. Appeals to the interpretation of this chapter will be made to the Town Council. The decision of the Town Council shall be final.

***Posted: January 26, 2009***